

) BEFORE THE STATE ETHICS COMMISSION

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DECISION AND ORDER

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission, on August 24, 2010. On November 17, 2010, pursuant to Section 8-13-320(10)(i)(2009), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, David A. Just, with seventeen violations of Section 8-13-700(A), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on September 21, 2011 were Commissioners Phillip Florence, Jr., Hearing Chair, E. Kay Biermann Brohl, and J B Holeman. Respondent was present and represented by David Rothstein. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in January 2007 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$880.00 that resulted in the employment of his spouse to provide services to the college.

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COUNT TWO
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in May 2007 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$660.00 that resulted in the employment of his spouse to provide services to the college.

COUNT THREE
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in June 2007 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$660.00 that resulted in the employment of his spouse to provide services to the college.

COUNT FOUR
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in September 2007 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family mem-

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ber, his spouse, by approving a contract in the amount of \$400.00 that resulted in the employment of his spouse to provide services to the college.

COUNT FIVE
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in February 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$200.00 that resulted in the employment of his spouse to provide services to the college.

COUNT SIX
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in February 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$2740.00 that resulted in the employment of his spouse to provide services to the college.

COUNT SEVEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in March 2008 unlawfully violate Section 8-13-700(A), by



knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$400.00 that resulted in the employment of his spouse to provide services to the college.

COUNT EIGHT
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in May 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$300.00 that resulted in the employment of his spouse to provide services to the college.

COUNT NINE
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in September 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$400.00 that resulted in the employment of his spouse to provide services to the college.

COUNT TEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

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The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in October 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$2500.00 that resulted in the employment of his spouse to provide services to the college.

COUNT ELVEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in October 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$2500.00 that resulted in the employment of his spouse to provide services to the college.

COUNT TWELVE
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in October 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$400.00 that resulted in the employment of his spouse to provide services to the college.

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COUNT THIRTEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in November 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$600.00 that resulted in the employment of his spouse to provide services to the college.

COUNT FOURTEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in December 2008 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$750.00 that resulted in the employment of his spouse to provide services to the college.

COUNT FIFTEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in January 2010 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member,

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his spouse, by approving a contract in the amount of \$1800.00 that resulted in the employment of his spouse to provide services to the college.

COUNT SIXTEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in April 2010 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$600.00 that resulted in the employment of his spouse to provide services to the college.

COUNT SEVENTEEN
USE OF OFFICIAL OFFICE FOR GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, David A. Just, an employee of Spartanburg Community College, did in Spartanburg County, in June 2010 unlawfully violate Section 8-13-700(A), by knowingly using his official employment as the college's Vice President of Corporate and Community Education to obtain an economic interest for an immediate family member, his spouse, by approving a contract in the amount of \$200.00 that resulted in the employment of his spouse to provide services to the college.

FINDINGS OF FACTS

Having carefully reviewed the evidence presented, the Commission finds as fact:

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1. The Respondent, David A. Just, was a public employee while serving as Vice President of Corporate and Community Education at Spartanburg Community College during the relevant time of the complaint.

2. Commission Investigator Dan Choate testified that he reviewed the last four years of Spartanburg Community College contractual agreements with Triad Developments Groups. Investigator Choate found 17 contracts signed by Respondent and documentation attached to the contracts indicated that Karen Just, Respondent's wife, was listed as the consultant instructor for Triad Development.

3. Complaint moved to dismiss the first three allegations of the Notice of Hearing and the motion was granted.

4. Henry Giles, Executive Vice President of Spartanburg Community College, testified that he became aware of the allegations when required to sign a grant application. At the request of the college president, Mr. Giles investigated the matter and determined that Respondent's spouse had worked as an employee of Triad Development Group which had contracted to provide training. Mr. Giles testified that he was unaware that Respondent's spouse had been a trainer for courses provided through Respondent's department. Mr. Giles compiled the contractual agreements for consultants that were signed by Respondent and listed Respondent's spouse as the trainer.

5. Rick Teal, Director of Human Resources of Spartanburg Community College, testified that following the investigation it was his decision to recommend Respondent's termination. Mr. Teal testified to the grievance procedure.

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6. Respondent testified that he did sign the contractual agreement for consultants; however, his signature was not required for payment of the invoices. He testified that the arrangement between his spouse and her employer and the college was approved by the previous college president.

7. Karen Just, Respondent's spouse, testified that she understood that the arrangement she had to provide training under the contractual agreement for consultants with the Spartanburg Community College was acceptable and had been approved by the previous college president.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, David A. Just, was a public employee during the relevant time of the complaint as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-700(A) provides that no public employee may knowingly use his employment to obtain an economic interest for a member of his immediate family.

DECISION

THE STATE ETHICS COMMISSION has determined based upon a preponderance of evidence that Respondent, David A. Just, is in violation of Section 8-13-700(A), for signing the payment authorizations forms for his spouse after services had already been performed. Although the signing was an administrative function which was not actually required, it did create an appearance of impropriety and Respondent, David A. Just,

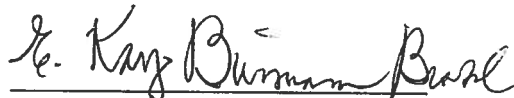
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should have recused himself from all matters related to the school's service contract with his wife's employer.

THEREFORE, the State Ethics Commission hereby issues this public reprimand to David A. Just for his violation of Section 8-13-700(A),

IT IS SO ORDERED THIS 16th DAY OF November 2011.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
VICE CHAIR

Columbia, South Carolina

